

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
DOCKET NO. 5:15-CV-00097-BO**

KIRSTEN MESSMER,

Plaintiff,

v.

DONNIE HARRISON, in his Official Capacity as Sheriff of Wake County, North Carolina, PAT McCRORY, in his Official Capacity as Governor of North Carolina, ROY COOPER, in his Official Capacity as Attorney General of North Carolina, and FRANK L. PERRY, in his Official Capacity as Secretary of the North Carolina Department of Public Safety,

Defendants.

**DEFENDANT DONNIE HARRISON’S
RESPONSE TO PLAINTIFF’S
MOTION FOR PRELIMINARY
INJUNCTION**

Defendant Donnie Harrison (“Sheriff Harrison”) responds to Plaintiff’s Motion for Preliminary Injunction by relying on the arguments set forth in his memorandum in support of his motion to dismiss [DE 18], which incorporates the arguments set forth in memoranda filed by the undersigned in *Veasey v. Wilkins*, No. 5:14-cv-00369-BO at DE 15 (pp.4-8) and DE 25 (pp. 1-6). Sheriff Harrison incorporates those arguments by reference here as well.

For those reasons, Plaintiff cannot make the requisite “clear showing” that she is likely to succeed on the merits with respect to Sheriff Harrison because this action should be dismissed as a matter of law. *Winter v. Natural Res. Def. Council. Inc.*, 555 U.S. 7, 20 (2008). Accordingly, Sheriff Wilkins respectfully requests that the Court deny Plaintiffs’ Amended Motion for Preliminary Injunction.

Respectfully submitted the 1st day of April, 2015.

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**COUNSEL FOR DEFENDANT
SHERIFF DONNIE HARRISON**

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record as follows:

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This the 1st day of April, 2015.

s/ Andrew H. Erteschik
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